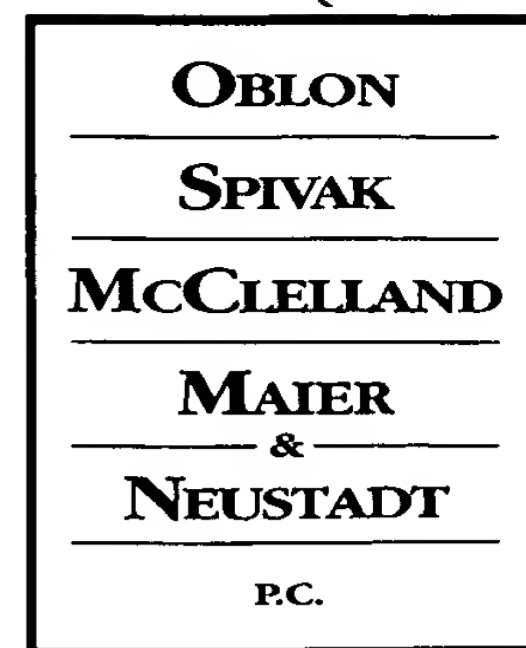




Docket No.: 214493US8

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

RE: Application Serial No.: 09/964,623
Applicants: Hiroyuki WADA, et al.
Filing Date: September 28, 2001
For: APPARATUS FOR MANUFACTURING AN
OPTICAL FIBER SOOT, AND METHOD FOR
MANUFACTURING AN OPTICAL FIBER SOOT
USING THEREOF
Group Art Unit: 1731
Examiner: CHIN, P.

SIR:

Attached hereto for filing are the following papers:

RESPONSE TO RESTRICTION REQUIREMENT

Our check in the amount of _____ is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Bradley D. Lytle

Registration No. 40,073

Customer Number

22850

(703) 413-3000 (phone)
(703) 413-2220 (fax)

DOCKET NO: 214493US8



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
HIROYUKI WADA, ET AL. : EXAMINER: CHIN. P.
SERIAL NO: 09/964,623 :
FILED: SEPTEMBER 28, 2001 : GROUP ART UNIT: 1731
FOR: APPARATUS FOR :
MANUFACTURING AN OPTICAL FIBER
SOOT, AND METHOD FOR
MANUFACTURING AN OPTICAL FIBER
SOOT USING THEREOF

RESPONSE TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction Requirement stated in the Official Action dated February 17, 2004, Applicants in the above-identified patent application provisionally elect Group II, Claims 9 and 10, drawn to a method.

The Restriction Requirement asserts that the application contains claims to distinct inventions. However, MPEP §803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

The claims of the present invention would appear to be of an overlapping search area.

Application Serial No: 09/964,623
Response to Restriction Requirement dated February 17, 2004

Accordingly, Applicants respectfully **traverse** the Restriction Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

However, if the present Restriction Requirement is not withdrawn, examination on the merits of the Claims of Group II is believed to be in order, and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/03)

I:\ATTY\BDL\214493US\214493US.RESTRICTION.DOC